

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.21280 of 2018

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Upendra Kumar Mehta, S/o Shri Shivanand Mehta, R/o-Vill-Sukhsena,
P.O.-,Simraha, P.S.-Simraha, District-Araria.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Director, Primary Education, Department of Education, Bihar, Patna.
3. The State Appellate Authority, Education Department Niyojan Bhawan Patna. null null
4. The District Teachers Employment Appellate Authority, Araria.
5. The District Education Officer, Araria.
6. The District Programme Officer, Estt., Araria.
7. The Block Development Officer, Forbesganj, District, Araria.
8. The Block Education Officer, Forbesganj, District-Araria.
9. The Mukhiya Gram Panchayat Raj Halhalia, Block-Forbesganj, District-Araria.
10. The Panchayat Secretary, Gram Panchayat Raj Halhalia, Block Forbesganj, District-Araria.
11. Vikash Kumar, S/o Bhola Prasad Yadav, R/o-At and P.O.-Simraha, P.S.-Simraha, District-Araria.
12. Pintu Kumar, S/o Ramdev Prasad Sah, R/-At and P.O.-Mushai, P.S.-Simraha, District-Araria.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rajeev Kumar Singh
For the Respondent/s : Mr. Subash Chandra Mishra -SC16

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

4 15-11-2021 Heard Mr. Rajeev Kumar Singh, learned

advocate for the petitioner and Mr. Madhukar Jha,

learned counsel for the State. The counsel for

respondent nos. 11 and 12 are not present.

A perusal of the records indicate that the



matter was referred to Lok Adalat but it has been referred back again to the Court for final consideration.

This writ petition has been filed challenging the order dated 27.06.2018 passed by the State Appellate Authority, Patna whereby the appeal preferred by the petitioner has been rejected, as also against the order dated 28.07.2017 passed by the District Teachers Employment Appellate Authority, Araria, whereby the application preferred by the petitioner was disallowed.

The petitioner claims that wrongly 20 % weightage for calculating the merit-list was not given to him.

As opposed to the aforesaid contention, the learned counsel for the State has pointed out that along with the application form of the petitioner for being appointed as a Teacher in a Panchayat Elementary School, no certificate of the petitioner having gained an experience as Lok Sikshak was appended. The columns which were meant for providing such information though



were filled but without any specific details. The records further revealed that respondent nos. 11 and 12 who had secured higher percentage and were appointed have opposed the contention of the writ petitioner on the ground that assuming but not admitting that the certificate of experience of the petitioner as Lok Sikshak would have been taken into account, no weightage would have been given as the certificate is of the *Mukhiya* and not of the District Superintendent of Education, which is the requirement under the Rules in that regard.

Apart from this, it has been submitted that the certificate on which the petitioner rests his claim also is unacceptable as if the date of birth of the petitioner as projected by him is to be taken into account, the period when he gained that experience was during his minority. He was less than 18 years of age during the period when he claims to have gained experience as a Lok Sikshak.

Mr. Rajeev Kumar Singh, learned advocate for the petitioner has pointed out that the District Teachers



Appellate Authority did not reject the case of the petitioner on this ground but on a ground which is totally non-existent.

That perhaps, cannot be a ground for the petitioner to succeed here as this issue has been taken into account and discussed by the State Appellate Authority.

This Court does not find any anomaly in the order passed by the State Appellate Authority.

The petition has no merits. The same is therefore dismissed.

(Ashutosh Kumar, J)

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